

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

SHELLEY A. BRACKMAN, )  
Plaintiff, )  
vs. ) No. 11-4325-CV-W-FJG  
CAROLYN COLVIN<sup>1</sup>, )  
Defendant. )

## ORDER

This suit involves an application made under the Social Security Act for disability benefits under Title II of the Act, 42 U.S.C. § 401 *et seq.* Plaintiff's application was denied initially. Plaintiff appealed the denial to an administrative law judge. On June 15, 2010, following a hearing the ALJ found that plaintiff was not disabled. Plaintiff requested a review of that decision and on October 18, 2011, the Appeals Council denied plaintiff's request for review. Thus, the decision of the ALJ stands as the final decision of the Commissioner. The facts and arguments are presented in the parties' briefs and will not be repeated here.

The Eighth Circuit recently stated the standard for judicial review of an ALJ's denial of benefits:

Our role on review is to determine whether the Commissioner's findings are supported by substantial evidence on the record as a whole. Substantial evidence is less than a preponderance, but is enough that a reasonable mind would find it adequate to support the Commissioner's conclusion. In determining whether existing evidence is substantial, we

<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as defendant in this suit.

consider evidence that detracts from the Commissioner's decision as well as evidence that supports it. As long as substantial evidence in the record supports the Commissioner's decision, we may not reverse it because substantial evidence exists in the record that would have supported a contrary outcome or because we would have decided the case differently.

Baker v. Barnhart, 457 F.3d 882, 892 (8<sup>th</sup> Cir. 2006), citing, McKinney v. Apfel, 228 F.3d 860, 863 (8th Cir.2000).

The Court has reviewed the parties' briefs, the decision of the ALJ, the transcript of the hearing and the medical and documentary evidence. After this review, the Court finds substantial evidence in the record to support the Commissioner's decision. Accordingly, it is hereby **ORDERED** that plaintiff's Motion for Summary Judgment is hereby **DENIED** (Doc. # 8) and the decision of the Commissioner is hereby **AFFIRMED**.

Date: March 25, 2013  
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.  
Fernando J. Gaitan, Jr.  
Chief United States District Judge